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## **OFFICE OF CONGRESSIONAL AFFAIRS**

**Routing Slip** 

ACTION INFO  1. D/OCA  2. DD/Legislation  3. DD/Senate Affairs  4. Ch/Senate Affairs  5. DD/House Affairs  7. Admin Officer  8. FOIA Officer  9. Constituent Inquiries  Officer  10. DD/OCA  11.  12.  SUSPENSE  24JUL&F C.O.B.  Date  Action Officer:  Remarks:  Call Das J. Lell Man.  GAH 24JUL&F  Name/Date		<u></u>	<del>,</del>		
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## EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET WARRENGTON, D.C. 20003

July 21, 1989



## LEGISLATIVE REFERRAL MEMORANDUM

TO:

Legislative Liaison Officer -

OCA 2403-89

National Security Council (Lampley x3055)	
Department of State (Bachrach 647-4463)	225
Department of Defense (Brick 697-1305)	325
Department of Justice (Perkins 633-2113)	217
Department of Energy (Rabben 586-6718)	209
Cantral Intelligence Agency	258
Department of Commerce (Levitt 377-3151)	324

SUBJECT:

ACDA draft testimony regarding the foreign policy implications of biological weapons proliferation. A hearing is scheduled for July 26th before the Senate Judicary Committee.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than C.O.B., MONDAY, JULY 24, 1989.

Questions should be referred to SUE THAU/ANNETTE ROOMEY (395-7300), the legislative analyst in this office or to JEFF ASHFORD (395-3920).

RONALD K. PETERSON FOR Assistant Director for Legislative Reference

Susa RRay by

Enclosure

cc: C. Boyden Gray

T. Thiele

D. Taft

s. Dotson

**URGENT** 

STAT

STATEMENT BEFORE THE SENATE JUDICIARY COMMITTEE ON S. 993.

THE BIOLOGICAL WEAPONS ANTI-TERRORISH

ACT OF 1989

BY

THOMAS GRAHAM, JR,

GENERAL COUNSEL

U.S. ARMS CONTROL AND DIBARMAMENT AGENCY

JULY 26, 1989

"... even if this lagislation were not required by the 1972 convention, we would atill be wise to enact the bill to help combat terrorism. Surprisingly, there is no uniform statute that driminalizes the development of biological devices or organisms that are meant to kill others. We cannot rely on existing statutes that may arguably regulate one or another aspect of the problem -- for instance, the Toxic Substances Control Act. The prospects of biological terrorism are too ghastly to permit a loophole in our law."

Moreovar, Deputy Assistant Secretary of Defense for Negotiations Policy, Jim Minds, said in testimony prepared for the Senate Governmental Affairs Committee on May 17, 1989:

Executive Branch judgment was that no implementing legislation was required. That judgment primarily was based on the perception that potential violators were most likely to be States rather than commercial firms or private individuals. However, even in the last few years, two developments have occurred to lead us to conclude that implementing legislation probably is desirable. These are

the explosion of biotechnology, in both basic research and applied technology, and the apparent interest in obtaining BW capabilities demonstrated by several nations."

We thus have a convergence and mutuality of interests on this type of legislation. The dreft legislation before this Committee and its House counterpart, N.R. 237, are, in large part, patterned after BWC legislation first proposed by the Executive Branch in 1973, after the BWC was signed but before the Senate consented to its matification.

Some related legislation, such as the Toxic Substances Control Act. has been enected. However, so much as changed since 1973, we need a cooperative affort to best satisfy all our concerns; the biotechnology explosion. Afterring harmful biological traffic and terrorism, applying domestic criminal sanctions, and doing all we can to curreil the internstional proliferation of biological weapon capabilities. The last is ACDA's principal concern, but we stand teady to work with you and other agencies to build upon S. 993 in a way best suited to multiple needs in a world of rapid biological technology evolution.